

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : S2 06 Cr. 08 (LAK)  
:   
-against- : **NOTICE OF MOTION**  
:   
ALBERT FAELLA, :   
:   
Defendant. :   
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**PLEASE TAKE NOTICE** that, upon the annexed affirmation of Vincent L. Briccetti, Esq., as well as the pretrial motion papers submitted by Michael Rosen, Esq., on behalf of his client, defendant Gerald Fiorino, as well as the pleadings and all prior proceedings herein, defendant ALBERT FAELLA will move this Court, at the United States Courthouse, 500 Pearl Street, New York, NY 10007, at a date and time to be set by the Court, for an Order:

- (1) suppressing all oral communications intercepted through the listening devices (“roving bugs”) installed in Ardito’s and Peluso’s cell phones, as violative of the Fourth Amendment and 18 U.S.C. § 2510, et seq.;
- (2) directing the government to provide defendant ALBERT FAELLA with a bill of particulars as to Counts 19, 26, and 27 of the indictment;
- (3) directing the government to disclose, reasonably in advance of trial, all exculpatory and impeachment evidence;
- (4) directing the government to disclose, reasonably in advance of trial, the identity of any expert witness and any and all information, studies, and reports upon which any expert witness will base his or her testimonial opinions;

- (5) directing the government to disclose, reasonably in advance of trial, “other crimes” evidence the government intends to introduce at trial pursuant to Rule 404(b);
- (6) preserving defendant ALBERT FAELLA’s right to move for severance and for suppression based on violation of the attorney-client privilege, and granting defendant’s request to move in limine for a Franks hearing, an audibility hearing, and/or for suppression based on inadmissible hearsay after the government has designated any tapes and/or recorded conversations that it intends to introduce at trial and based upon any particulars and additional discovery provided by the government following submission of these motions, and to make such additional and further pretrial motions as are appropriate; and
- (7) for such other and further relief as the Court may deem just and proper.

**PLEASE TAKE FURTHER NOTICE** that defendant ALBERT FAELLA joins in all motions filed on behalf of his co-defendants herein insofar as they are neither inconsistent with nor antagonistic to his legal and factual positions in this matter.

Dated: White Plains, NY  
July 6, 2006

BRICCETTI, CALHOUN & LAWRENCE, LLP

By: s/  
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